

STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. DAVID MARTIN BRADFIELD
Judge, 36th District Court
Detroit, MI 48226

FORMAL COMPLAINT NO. 79

COMPLAINT

The Michigan Judicial Tenure Commission (“Commission”) files this complaint against Hon. David Martin Bradfield, 36th District Court Judge, serving the City of Detroit, Wayne County, Michigan. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

Respondent is, and at all material times was, a judge of the 36th District Court in Detroit, Michigan. As a judge, he is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205. Respondent is charged with violating his judicial and professional duties as set forth in the following paragraphs.

1. Respondent at all relevant times was a judge of the 36th District Court, City of Detroit, Wayne County, Michigan.

COUNT I

2. On April 6, 2005, in the late morning or very early afternoon, Respondent briefly left the 36th District courthouse in his automobile.

3. Upon returning to the courthouse, Respondent parked near the judges' door on Madison Avenue.

4. Another car was also parked on that street by the judges' door.

5. Respondent approached the driver of that vehicle, City of Detroit Deputy Mayor Anthony Adams, who was parked there while awaiting his wife, 36th District Court Judge Deborah Ross Adams.

6. Deputy Mayor Adams was parked outside of the courthouse with the permission of Police Officer Sheila Gray, who was enforcing the restrictions for parking outside of the courthouse.

7. Respondent pulled his vehicle alongside that of Deputy Mayor Adams, and yelled at him through the car window that he was not permitted to park where he was located.

8. Respondent shouted at Deputy Mayor Adams, “Who the fuck are you?” and threatened to “have [his] ass ticketed and towed” for parking in front of the court.

9. He then backed his car up, and motioned for Officer Gray to assist him.

10. Officer Gray, upon observing the incident, approached Deputy Mayor Adams and asked him to move his car forward.

11. Deputy Mayor Adams complied by pulling directly behind the parked car in front of him.

12. Respondent pulled his car forward so he was again stopped next to Deputy Mayor Adams, and again shouted that he was going to have his “ass ticketed and towed.”

13. While Respondent was backing his car away from Deputy Mayor Adams' vehicle and was parking it on the street, Deputy Mayor Adams pulled his car around the parked vehicle in front of him to allow for more space to park near the judges' entrance.

14. Deputy Mayor Adams then exited his vehicle, and met DiAnn Webb, his wife's judicial clerk, outside of the court.

15. Deputy Mayor Adams and Ms Webb walked toward the judges' door of the courthouse.

16. Respondent exited his vehicle, rushed toward the pair in a threatening manner, and grabbed Deputy Mayor Adams' shoulder while he was entering the doorway.

17. At the time, Respondent was angrily shouting that Deputy Mayor Adams was not authorized to use that door, as it was reserved for judges.

18. Respondent shouted that he was “street” and from “the hood,” and was going to “kick [Deputy Mayor Adam’s] ass.”

19. Respondent repeatedly poked his finger into Deputy Mayor Adams’ chest while he was shouting at him.

20. During the incident Respondent also yelled at Ms Webb that she could not bring Deputy Mayor Adams in through the judges’ entrance, as he was not a judge.

21. Officer Gray moved between Respondent and Deputy Mayor Adams to restrain Respondent by preventing him from approaching or having further contact with Deputy Mayor Adams.

22. Respondent entered the courthouse using the judges’ entrance.

23. Deputy Mayor Adams and Ms Webb went to the front of the courthouse to enter through the employees’ entrance.

24. Several minutes later, Respondent encountered Deputy Mayor Adams, Ms Webb, Officer Gray, and Judge Adams by the judges' entrance to the courthouse.

25. Judge Adams had accompanied her husband and Ms Webb to the entrance to discuss the incident with Officer Gray.

26. When Judge Adams asked why Respondent had confronted her husband, Respondent began shouting at her, and waving his hand in her face.

27. Respondent's finger brushed against Judge Adams' face during the encounter.

28. While shouting at Judge Adams, Respondent also referred to Deputy Mayor Adams as her "mother fucking husband."

29. Respondent continued to wave his hand in Judge Adams' face, in spite of requests by her and by Deputy Mayor Adams for him to stop.

30. Respondent shouted at Judge Adams that he would take Deputy Mayor Adams “to the street,” as Deputy Mayor Adams was from the street and Respondent was from the street.

31. Respondent’s reference to go “to the street” was another invitation to engage in fisticuffs with Deputy Mayor Adams.

32. Respondent then went on the judges’ elevator and left the area.

33. Deputy Mayor Adams never raised his voice, used off-color language, or threatened Respondent with violence.

34. No other individual involved in the incident raised his voice, used off-color language, or threatened Respondent with violence.

35. Judge Adams then contacted Chief Judge Marilyn Atkins and advised her of the confrontation.

36. Chief Judge Atkins summoned Respondent to her office for a meeting with Judge Adams, where they eventually were joined by Ms Webb, Officer Gray, and Deputy Mayor Adams.

37. During portions of that meeting, Respondent continued to shout and act in a belligerent and angry manner.

38. Respondent also asserted during that meeting that Deputy Mayor Adams “looked like a well-dress thug” during the incident, which is why Respondent confronted the deputy mayor.

39. Respondent further stated that he thought Deputy Mayor Adams was “one of those arrogant attorneys who thinks he can park out there,” referring to the spaces generally reserved for judges.

40. Respondent misrepresented to Judge Atkins what had occurred near the judge’s entrance, as he stated that Deputy Mayor Adams had sworn at him and acted belligerent toward him, while he had not engaged in that conduct.

41. Respondent had no authority to determine who parks in the spaces reserved for judges outside of the court, who may use the judge's entrance to gain access to the court, or enforce any restrictions regarding those matters.

COUNT II

42. The 36th District Court leased 15 spaces on the first floor of the Gem Theater parking structure for judges' parking effective Monday, October 7, 2002.

43. On the preceding Wednesday, October 2, 2002, Respondent entered that garage in his vehicle.

44. Upon seeing that there were no spaces available on the first floor, Respondent approached the parking attendant, Noah Howard Lee, and identified himself as Judge Bradfield from the 36th District Court.

45. Respondent demanded that he be permitted to park in the spaces reserved for judges on the first floor.

46. When Mr. Lee responded that the parking agreement took effect the following Monday, Respondent became angry and belligerent, and began swearing at Mr. Lee.

47. The attendant produced a document reflecting the agreement, and that it was to take effect on October 7.

48. To accommodate Respondent, Mr. Lee offered to allow him to park for the day in a space on the first floor reserved for the garage staff.

49. Respondent continued to shout at the attendant, grabbed the document, threw it on the ground, and sped his vehicle toward the exit of the garage.

50. The conduct described in Paragraphs 2 through 50, if true, constitutes:

- (a) Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30 and MCR 9.205;
- (b) Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1;

- (c) Failure to be aware that the judicial system is for the benefit of the litigant and public, and not the judiciary, contrary to the Code of Judicial Conduct, Canon 1;
- (d) Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A;
- (e) Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A;
- (f) Failure to respect and observe the law and to conduct himself at all times in a manner which would enhance the public's confidence in the integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (g) Failure to be patient, dignified, and courteous to those with whom Respondent deals in an official capacity, contrary to the Code of Judicial Conduct, Canon 3A(3);
- (h) Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(A)(2);
- (i) Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3); and
- (j) Conduct which is in violation of the criminal laws of the state of Michigan, in violation of MCR 9.104(A)(5).

Pursuant to MCR 9.209(B), Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the Complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN
3034 W. Grand Boulevard, Suite 8-450
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By: _____
Paul J. Fischer (P 35454)
Examiner

Casimir J. Swastek (P 42767)
Associate Examiner

Dated: _____, 2005

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